

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 77-143

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

Order directing California and Hawaiian Sugar Company (hereinafter discharger) to comply with requirements prescribed by the California Regional Water Quality Control Board, San Francisco Bay Region in Order No. 77-142 (NPDES Permit No. CA0005240).

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter Board) finds that:

1. This Board on November 19, 1974, adopted Order No. 74-145 prescribing waste discharge requirements including a compliance time schedule for California and Hawaiian Sugar Company in accordance with the statutory requirements of the Federal Water Pollution Control Act and the California Water Code. Order No. 74-145 was superseded by Order No. 77-142 adopted November 1977. The NPDES Permit contains a compliance date of July 1, 1977, for effluent limitations achievable by the Best Practical Control Technology Currently Available as required by the Federal Act.
2. The discharger has submitted evidence which documents that the requirements contained in Order No. 77-142 cannot be achieved by July 1, 1977, due to unavoidable delays beyond the control of the discharger.
3. The discharger has submitted a time schedule by which it can achieve the requirements contained in Order No. 77-142.
4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300 California and Hawaiian Sugar Company shall comply with the provisions of Order No. 77-142 according to the following time schedule:

<u>1. Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Complete construction of outfall and diffuser	January 1, 1978	January 15, 1978
Achieve full compliance with all requirements	March 1, 1978	March 15, 1978

2. This Order expires on July 1, 1978. This Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with secondary effluent limitations by July 1, 1977, as contained in Order No. 77-142 provided:

- a. The discharger complies fully with all terms of the time schedule contained in this Order;
- b. The discharger complies fully with all terms of the permit with the exception of the provision A1 and A3.
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on November 15, 1977.

FRED H. DIERKER
Executive Officer